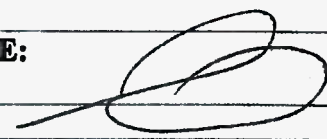


<b>LAS VEGAS POLICE DEPARTMENT</b>	<b>ADMINISTRATION</b>
<b>SUBJECT:</b> <i>Limits of Authority</i>	<b>NUMBER: 3</b>
<b>EFFECTIVE DATE:</b> <i>9 September 2010</i>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b> 
	<b>Chief of Police Gary Gold</b>
<b>NMMLEPSC STANDARDS:</b> <i>ADM.02.01</i>	<b>NMSA: 6-203</b> <i>3-13-2</i>

**I. PURPOSE:**

The purpose of this policy is to ensure the efficient and effective management of the Limits of Authority function by providing administrative guidance that identifies the responsibilities and limit of authority processes within the uniform and other components of the department. Questions of the authority and responsibility of Police Officers is one that must be considered in light of the following factors: whether the Officer is on duty or off-duty and whether the incident takes place within the jurisdiction of the Officer's Department. The statutory provisions and the recent judicial determination have established a distinct outline, of which Officers should be aware. In addition, Officers are expected to exercise a certain degree of discretion in their enforcement activities. Such discretion appears to run contrary to law, yet is necessary due to the limited resources available to the Police.

**II. POLICY:**

It is the policy of the Las Vegas Police Department to manage the function of limits of authority in an effective and efficient manner by coordinating the efforts of uniform and other organizational components as provided in this policy. Department members, whether on duty or off duty, are expected to conduct themselves in accordance with statutory limits and guidelines of this manual, and in such manner as would reflect favorably upon themselves and on the Department.

**III. APPLICABILITY:**

This policy is applicable to all commissioned employees of the Las Vegas Police Department.

**IV. REFERENCES:**

- A. 3-13-2 N.M.S.A
- B. New Mexico Law enforcement Accreditation Administration 02.01
- C. 6-203 N.M.S.A

V. DEFINITIONS:

- A. On duty: Engaged or responsible for an assigned task or duty.
- B. Off duty: Free from assignment or responsibility
- C. Discretion: Individual choice or judgment.
- D. Bonds: The amount of the money guarantee.

VI. PROCEDURE:

A. On Duty Authority

- 1. While on duty, within the City limits, Officers have the full authority granted peace Officers by New Mexico Statute, refer to NMSA 3-13-2.
- 2. While on duty, outside City limits, an Officer's authority is limited to actions directly related to his official duties as a Police Officer of the City of Las Vegas.

B. On Duty Responsibility

- 1. Officers, while on duty within the City limits, after consideration of the situation at hand, are expected to take all necessary steps consistent with their assignment.
  - a. To protect life and property.
  - b. To enforce the laws of the United States, the State of New Mexico, and the ordinances of the City of Las Vegas.
  - c. To adhere to 3-13-2 NMSA 1978.

1. "3-13-2 Police officers.”:

**The police officer of a municipality shall:**

- (1) execute and return all writs and process as directed by the municipal judge of the municipality employing the police officer;**
- (2) execute and return all criminal process as directed by the municipal judge of any incorporated municipality in the state if the criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs;**
- (3) serve criminal writs and process specified in Paragraphs (1) and (2) of this subsection in any part of the county wherein the municipality is situated; and**

**(4) within the municipality:**

- (a) suppress all riots, disturbances and breaches of the peace;**
- (b) apprehend all disorderly persons;**
- (c) pursue and arrest any person fleeing from justice; and**
- (d) apprehend any person in the act of violating the laws of the state or the ordinances of the municipality and bring him before competent authority for examination and trial.**

**2. In the discharge of his proper duties, a police officer shall have the same powers and be subject to the same responsibilities as sheriffs in similar cases.**

2. On duty Officers outside the City limits should avoid overzealous involvement in Police situations.
  - a. If an incident arises in which the Officer reasonably believes his or another person's safety is jeopardized, he should make every effort practicable to cause appropriate action to be effected by the responsible law enforcement agency.
  - b. Action, beyond notifying the appropriate agency, should be taken only after careful consideration of the tactical situation, and of possible liability for themselves and for the City.

**C. Off- Duty Authority:**

1. While off duty, within the City limits, Officers have the same authority granted on duty peace Officers under New Mexico Statute.
2. Due to recent court rulings, and ambiguity within the New Mexico Statutes, off duty Officers, outside the City limits, are advised to consider their authority to make arrests to be that afforded a private citizen.

**D. Off Duty Responsibility:**

1. While off duty Officers observing a situation indicating a need for Police action, both inside and outside the City limits, should give first consideration to causing the appropriate action to be effected.
  - a. by on duty personnel (within the City limits).
  - b. by the responsible law enforcement agency (outside the City limits).
  - c. by being a good witness if possible.

2. Police action by off duty personnel is **discouraged**, and should be taken only after careful consideration of the tactical situation, the safety of themselves and the public and possible civil liability.

E. Discretion:

1. GENERAL GUIDELINES

- a. Officers are expected to use discretion and authority only in compliance with law, in furtherance of Departmental goals and objectives, and in compliance with the Police Code of Ethics.
- b. When confronted with situations involving traffic and ordinance violations Officers should examine all possible alternatives to arrest and confinement when appropriate for the situation. This is not meant to discourage enforcement by the writing of traffic citations or ordinance citations.

F. Specific Responsibilities:

1. Discretion in criminal violations will be subject to approval of a supervisor.
2. Officer enforcement action, inaction, or degree of severity, must not be influenced by malice, vengeance, or prejudice based upon race, sex, ethnic background, religious belief, or political affiliation.
3. Enforcement action must not be more severe than can reasonably and objectively be justified to further Departmental goals and objectives.
4. Enforcement action or contact may not be extended unnecessarily for the purpose of delaying the release of, or inhibiting the free movement of, any person.

F. Bonds: Alternative to Pre-/trial Confinement

Officers shall not deviate from set bond schedules unless directed to do so by a judge. Officers are reminded that bond placed upon a defendant is to insure the defendant's appearance in court.

VII. ATTACHMENTS:

- A. Magistrate bond schedule
- B. Municipal Bond schedule

*Honorable Eddie A. Trujillo*  
Las Vegas Municipal Court Judge

**MEMORANDUM**

**TO:** Chief Gary Gold

**FROM:**

  
Judge Eddie A. Trujillo

**DATE:** August 26, 2010

**RE:** Bond Schedule

Please be advised that the Bond Schedule for all individuals being arrested and charged through the City of Las Vegas Municipal Court is as follows:

Petty Misdemeanor and Misdemeanor shall be \$500.00 per charge. Can be ten percent or cash only

First Offense DWI Non-Aggravated - \$500.00 – Cash Only

First Offense Aggravated DWI - \$1,000.00 – Cash Only

Second Offense DWI Aggravated and Non-Aggravated \$1,000.00 – Cash Only

Any persons arrested on Municipal Court warrants will be held on the bond indicated on the warrant.

Should you have any questions or concerns regarding this matter please feel free to contact me at 425-9403 or 426-3325



## Penalty Assessment Fee Schedule

Ordinance Number	Type of Offense	Penalty Amount
12-1-56	Railroad Sign or Signal	\$62.00
12-5-6C	Failure to Stop at Red Light	\$62.00
12-6-1.1	Basic Rule	\$67.00
12-6-1.2	Speeding	
	Up to & including 10 mi over	\$62.00
	From 11 up to & including 15 mi over	\$77.00
	From 16 up to & including 20 mi over	\$113.00
	From 21 up to & including 25 mi over	\$147.00
	From 26 up to & including 30 mi over	\$172.00
	From 31 up to & including 35 mi over	\$197.00
	More than 35 mi over	\$247.00
12-6-2.1	Driving on the Right Side of Street	\$62.00
12-6-2.3	Passing and Overtaking	\$62.00
12-6-2.5	Driving Left of Center	\$62.00
12-6-2.7	No Passing Zones & Restrictions of Passing	\$52.00
12-6-2.9	Wrong Way on One Way	\$52.00
12-6-4.1	Failure to Yield	\$52.00
12-6-4.3	Failure to Stop at Stop Sign	\$52.00
12-6-2.13	Following Too Closely	\$67.00
12-6-5.4	Illegal U-Turn	\$67.00
12-6-5.7	Started Parked Vehicle/Improper Starting	\$62.00
12-6-5.8D	Failure to Use Turn Signals	\$67.00
12-6-5.9	Signals By Hand & Arm or Signal Device	\$67.00
12-6-6.3	Obstruction of Traffic	\$77.00
12-6-7.1	Emerging from Alley, Building Driveway or Private Road	\$77.00
12-6-7.3	Not Stopping for School Bus	\$77.00
12-6-7.4	Failure to Stop for Emergency Vehicle	\$77.00
12-6-12.4	Careless Driving	\$82.00
12-6-12.5	No Motor Endorsement	\$67.00
12-6-12.5D	No Drivers License	\$67.00
12-6-12.8	Prohibited Activities while Driving	\$76.00
12-6-12.23	Permitting Unauthorized Person to Drive	\$97.00
12-6-13.12	Child Passenger Restraint	\$77.00
12-6-13.13	No Seatbelt	\$77.00
12-4-6	Mandatory Use of Protective Helmet	\$62.00
12-10-1.5	No Headlights	\$52.00
12-10-1.6	Dimming of Lights	\$52.00
12-10-1.7	No Taillights	\$52.00
12-10-1.12	Obstruction of Drivers View	\$62.00
12-10-1.43	Number of Lamps Required	\$62.00
12-10-4	No Registration	\$82.00
12-6-12.6	<b>Suspended License (ONE YEAR SUSPENSION)</b>	<b>\$131.00</b>
12-6-12-6G	*Revoked License (MANDATORY 7 DAYS JAIL)	\$331.00
66-8-122G	*Revoked License (MANDATORY 7 DAYS JAIL)	\$331.00
12-10-6	<b>No Insurance</b>	<b>\$131.00</b>
12-10-6	*No Insurance (INVOLVED IN ACCIDENT)	

CHARGES WITH \* SYMBOL OR CHARGES NOT LISTED MUST SEE JUDGE.

**STATE OF NEW MEXICO  
SAN MIGUEL MAGISTRATE COURT  
1927 7<sup>TH</sup> STREET, LAS VEGAS, NEW MEXICO 87701**

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**MEMO**

October 14, 2009

To: New Mexico State Police  
Las Vegas City Police  
San Miguel Sheriff's Office

From:

  
Judge Philip J. Romero  
Presiding Judge

As per Rule 6-203 of the Magistrate Rules, the rule states, that when an arrest is made without a warrant, a probable cause determination "shall" be made by a Judge promptly. In San Miguel County the arresting Officer is to call either Judge Najar or myself before incarceration, the time does not matter. The Judge will make a determination and set a bond. The information from the Judge is to be a-fixed to the P.C. Statement and/or the Criminal Complaint and also on the booking form. I am pleading with you to please put it in writing the information that we give you. The reason we are asking you (THE OFFICERS) to put it in writing is to make it easier for the Court when we arraign the defendant.

If you have any questions, please call us at any time.